

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Steven A. Bozsik,	:	Case No. 1:09CV0419
	:	
Petitioner	:	Judge Donald C. Nugent
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Richard Hall, Warden,	:	MEMORANDUM OPINION
	:	AND ORDER
Respondent	:	

Petitioner has filed a “Motion To Toll Time The Time To File His Traverse Until The Change Of Plea And Sentencing Transcripts Are Provided” (Doc. #9) and a “Motion To Compel The Warden To Provide Additional Exhibits To Properly Respond Against The Warden’s Motion To Dismiss” (Doc. #10). The items sought under the latter motion are: Copy of Affidavit To Disqualify Judge Collier filed with the Chief Justice in the Supreme Court of Ohio (Copy of Affidavit and Exhibits filed in trial court record); Copy of disqualification order issued by the Honorable Christopher J. Collier; Copy of disqualification order by the Chief Justice; Copy of a current and complete appearance docket for Case No. 02-CR-106 (Medina County Court of Common Pleas).

In response to the latter motion, respondent’s counsel correctly states it must be considered as a motion to expand the record pursuant to Rule 7 of the Rules Governing Section 2254 cases. Nevertheless, while questioning the relevance of some of the documents sought, counsel states that he will provide petitioner with such of the documents as can be identified and obtained. In fact, some of those documents are appended to the response.

Therefore, this motion will be dismissed as moot.

As regards the motion to toll the time to file traverse, respondent states that this motion will not be opposed for an extension to August 21, 2009 or any reasonable period beyond that date.

This Court will assume that respondent's counsel will be able to provide the documents responsive to the motion to compel by the end of the month. This being so, this Court will extend petitioner's time to respond to respondent's motion to dismiss to September 11, 2009.

IT IS SO ORDERED.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: August 13, 2009